

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #5	CCRB Case #: 201900197	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 12/04/2018 5:45 PM	Location of Incident: § 87(2)(b) 113th Precinct stationhouse	Precinct: 113	18 Mo. SOL 6/4/2020	EO SOL 1/19/2021	
Date/Time CV Reported Tue, 01/08/2019 9:00 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 01/08/2019 9:00 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			NARCBQS
2. DT3 Steven Acevedo	4092	949959	NARCBQS
3. SGT Edward Silvester	02780	918332	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Ehtasham Khan	02329	945878	NARCBQS
2. DT3 Ramon Garcia	6082	947650	NARCBQS
3. CPT Roderick Dantini	00000	906066	NARCBQS
4. DT3 Philip Masi	1769	949277	NARCBQS
5. DT3 Brandon Agosto	1084	952386	NARCBQS
6. DT3 Vincent Ferrante	06560	943229	DB CED
7. DT3 Novonil Chowdhury	2078	953755	NARCBQS
8. CPT Paul Muggeo	00000	944834	113 PCT
9. CPT Carlos Fabara	00000	922317	PBQS SU

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Steven Acevedo	Abuse: Detective Steven Acevedo entered § 87(2)(b) in Queens.	
B.DT3 Steven Acevedo	Abuse: Detective Steven Acevedo searched § 87(2)(b) in Queens.	
C.DT3 Steven Acevedo	Abuse: At § 87(2)(b) in Queens, Detective Steven Acevedo refused to show the search warrant to § 87(2)(b).	
D. An officer	Force: At § 87(2)(b) in Queens, an officer used physical force against § 87(2)(b).	

Officer(s)	Allegation	Investigator Recommendation
E.SGT Edward Silvester	Abuse: At the 113th Precinct stationhouse in Queens, Sergeant Edward Silvester did not obtain medical treatment for § 87(2)(b)	

### Case Summary

On January 8, 2019, § 87(2)(b) called the CCRB and filed this complaint on behalf of herself; her cousin and roommate, § 87(2)(b) and her other roommate, § 87(2)(b). On January 22, 2019, the CCRB received a duplicate complaint from IAB under Log #19-2313. This case was closed pending litigation on January 11, 2019, and was reopened on October 7, 2019.

On December 4, 2018, at approximately 5:45 p.m., Detective Steven Acevedo and other members of Narcotics Borough Queens South's 113<sup>th</sup> Precinct Module executed a valid no-knock search warrant at § 87(2)(b) and § 87(2)(b)'s residence, located at § 87(2)(b) in Queens (**Allegations A and B: Abuse of Authority**, § 87(2)(g)). Aside from § 87(2)(b) and § 87(2)(b) also present in the apartment were two guests of § 87(2)(b)'s § 87(2)(b) and § 87(2)(b) as well as a customer of § 87(2)(b)'s in-home hairstyling business, § 87(2)(b). Det. Acevedo allegedly failed to show § 87(2)(b) the search warrant upon her request (**Allegation C: Abuse of Authority**, § 87(2)(b)). An officer allegedly pushed § 87(2)(b) down the stairs, allegedly fracturing her wrist (**Allegation D: Force**, § 87(2)(g)). Upon recovering a small quantity of narcotics and related paraphernalia, Det. Acevedo arrested § 87(2)(b) and § 87(2)(b) and transported them to the 113<sup>th</sup> Precinct stationhouse. § 87(2)(b) allegedly requested medical treatment for her injured wrist at the stationhouse from Sergeant Edward Silvester, but Sgt. Silvester allegedly failed to obtain it for her (**Allegation G: Abuse of Authority**, § 87(2)(g)). A few hours later, § 87(2)(b) and § 87(2)(b) were released with DATs for § 87(2)(b) (**Board Review 02-07**).

The investigation did not obtain video evidence in this case. Officers from Narcotics Borough Queens South were not assigned BWCs at the time of the incident.

On January 11, 2019, an IAB spin-off was generated under CCRB case #201900316 for § 87(2)(b)'s allegations that officers planted drugs in—and stole money and food from—her apartment while executing the search warrant.

**Allegation A—Abuse of Authority: Detective Steven Acevedo entered § 87(2)(b) in Queens.**

**Allegation B—Abuse of Authority: Detective Steven Acevedo searched § 87(2)(b) in Queens.**

The investigation confirmed that the Honorable Judge § 87(2)(b) issued Queens County Search Warrant #§ 87(2)(b)—a no-knock warrant—for § 87(2)(b) in Queens on § 87(2)(b) (**Board Review 01**). Det. Acevedo and other members of the Narcotics Borough Queens South's 113<sup>th</sup> Precinct Module executed the warrant at that location within the parameters set out in the warrant, and with guns drawn. § 87(2)(b)'s residence sustained minor property damage consistent with a thorough search of the apartment during a search warrant execution. Det. Acevedo was the affiant on the search warrant application, as well as the investigating and arresting officer for the ensuing search warrant execution. § 87(2)(g)

NYS Criminal Procedure Law § 690.50 (**Board Review 08**) authorizes police officers to force entry to a residence to execute a search warrant without first announcing their presence if the warrant itself so authorizes.

§ 87(2)(g)

CCRB Case #201900197

**Allegation C—Abuse of Authority: At § 87(2)(b) in Queens, Detective Steven Acevedo refused to show § 87(2)(b) the search warrant.**

As discussed above, Det. Acevedo was the investigating and arresting officer for the search warrant. It is undisputed that Det. Acevedo possessed a copy of the warrant during the search warrant execution.

When she filed the complaint by phone with the CCRB, § 87(2)(b) alleged (**Board Review 09**) that she repeatedly asked to see the search warrant, but no officer showed it to her. § 87(2)(b) ultimately proved uncooperative with the investigation and never provided a sworn, in-person statement.

§ 87(2)(b) sworn testimony (**Board Review 10**) was consistent with § 87(2)(b) s, insofar as she alleged that § 87(2)(b) asked to see the warrant and that no officer showed it to her.

As discussed above, this case was closed pending litigation in early January 2019. In September 2019, § 87(2)(b) and § 87(2)(b) withdrew their complaints. § 87(2)(b) did not respond to contact attempts and subsequently became uncooperative with the investigation. As a result, the only civilian statements the investigation obtained were § 87(2)(b) s initial complaint phone call and § 87(2)(b) sworn, in-person interview.

Det. Acevedo (**Board Review 11**) testified that he was the only officer on scene with a copy of the warrant. He denied that any civilians asked to see the warrant. He did not show the warrant to anyone inside the apartment or during the journey to the stationhouse. Once at the stationhouse, Det. Acevedo showed the warrant to all six of the arrestees. Det. Acevedo had no particular reason for showing the warrant to the arrestees at the stationhouse rather than at the scene of the search.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]

**Allegation D—Abuse of Authority: At § 87(2)(b) in Queens, an officer used physical force against § 87(2)(b)**

**Allegation E—Abuse of Authority: At the 113<sup>th</sup> Precinct stationhouse in Queens, Sergeant Edward Silvester did not obtain medical treatment for § 87(2)(b)**

Although § 87(2)(b) became uncooperative with the investigation after this case was reopened, § 87(2)(b) alleged when she filed the complaint (**Board Review 09**) that an officer pushed § 87(2)(b) down one flight of stairs, causing her to sustain a fractured left wrist. At the stationhouse, § 87(2)(b) asked the desk sergeant—identified as Sgt. Silvester—for medical attention, but he refused to provide it to her. § 87(2)(b) never received medical treatment while in NYPD custody.

§ 87(2)(b) (**Board Review 10**) testified that she did not see any officer push any civilian down the stairs, nor did she see any civilian otherwise fall down the stairs. However, § 87(2)(b) could not see the staircase from the bedroom in which the officers apprehended her. During transport to the stationhouse, § 87(2)(b) heard § 87(2)(b) complain that her handcuffs were too tight and were causing her pain. § 87(2)(b) never became aware that § 87(2)(b) had sustained any injuries. § 87(2)(b) could not recall whether § 87(2)(b) requested medical attention while at the stationhouse.

As described above, § 87(2)(b) and § 87(2)(b) withdrew their complaints in September 2019. At that juncture, § 87(2)(b) became uncooperative with the investigation. § 87(2)(b) never provided a statement to the CCRB, so the investigation was not able to determine what injury, if any, she sustained.

Det. Acevedo (**Board Review 11**) denied that any officer pushed anyone down the stairs during the search warrant execution, and denied that any civilian in the apartment fell down the

stairs. He denied hearing any civilian request medical treatment at the apartment, during the journey to the stationhouse, or at the stationhouse. He never observed any injuries to any of the civilians.

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 87(2)(b) [REDACTED]  
[REDACTED]
- This is the first CCRB complaint in which § 87(2)(b) [REDACTED] (**Board Review 15**) has been a party.
- Det. Acevedo has been a member of service for eight years and has been named a subject in five other CCRB complaints and 10 other allegations, two of which were substantiated:
  - CCRB case #201401800 involved a substantiated allegation of refusal to provide name/shield number and an exonerated allegation of physical force. The Board recommended, and the NYPD imposed, Instructions.
  - CCRB case #201508477 involved a substantiated allegation of premises entered and/or searched. The Board recommended, and the NYPD imposed, Formalized Training.
  - § 87(2)(g) [REDACTED]  
[REDACTED]
- Sgt. Silvester has been a member of service for 23 years and has been named a subject in two other CCRB complaints and three other allegations, one of which was substantiated:
  - CCRB case #201609432 involved an exonerated forcible removal to the hospital (at the time, referred to as Abuse-Other) and a substantiated allegation of force (Taser). The Board recommended Command Discipline B. However, the NYPD did not impose any penalty.
  - § 87(2)(g) [REDACTED]  
[REDACTED]

**CCRB Case #201900197**

**Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- On February 12, 2020, the undersigned requested a copy of any Notice of Claim filed regarding this incident with the NYC Office of the Comptroller (**Board Review 16**). The response will be added to the case file upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) (**Board Review 17**), § 87(2)(b) (**Board Review 18**), and § 87(2)(b) (**Board Review 19**) have no history of convictions in New York City within the last 10 years.
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]

Squad No.: #05

Investigator: _____ Signature	Investigator <u>Conor O'Shea</u> Print Title & Name	_____ Date
Squad Leader: _____ Signature	Inv. Manager <u>Daniel Giansante</u> Print Title & Name	_____ Date
Reviewer: _____ Signature	_____ Print Title & Name	_____ Date